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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 THUY NGUYEN,

9 Petitioner,

10 v.

11 JEFFERSON SESSIONS, et al.,

12 Respondents.

Case No. C17-0926-JCC-MAT

REPORT AND RECOMMENDATION

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14 Petitioner Thuy Nguyen, who is currently detained by U.S. Immigration and Customs
15 Enforcement at the Northwest Detention Center in Tacoma, Washington, has filed an application
16 to proceed *in forma pauperis* (“IFP”), a proposed petition for writ of habeas corpus under 28 U.S.C.
17 § 2241, a motion to appoint the Office of the Federal Public Defender (“FPD”) as his counsel, and
18 a letter of support from the FPD. *See* Dkts. 1, 1-1, 1-2, and 1-3. Petitioner’s IFP application
19 indicates that he had over \$200.00 in his prison trust account on February 20, 2017, and that he
20 had over \$350.00 in his account on May 1, 2017. Dkt. 1 at 3-4.

21 While the Court recognizes that petitioner’s funds may not be great, it is not unreasonable
22 to expect petitioner to pay the minimal filing fee required to proceed with this action (\$5.00) given
23 the fact that his basic needs are provided for while he is detained. Accordingly, the Court

1 recommends that petitioner's application to proceed IFP, Dkt. 1, be DENIED, and that he be
2 directed to pay the \$5.00 filing fee to proceed with this action. A proposed Order accompanies
3 this Report and Recommendation.

4 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
5 served upon all parties to this suit within **fourteen (14) days** of the date on which this Report and
6 Recommendation is signed. Failure to file objections within the specified time may affect your
7 right to appeal. Objections should be noted for consideration on the District Judge's motions
8 calendar for the third Friday after they are filed. Responses to objections may be filed within
9 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be
10 ready for consideration by the District Judge on **July 7, 2017**.

11 Dated this 22nd day of June, 2017.

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14 Mary Alice Theiler
15 United States Magistrate Judge
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